

EXHIBIT C

SUPREME COURT: COUNTY OF WESTCHESTER
STATE OF NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK,

against-

GIOVANNI RIVERA,

Defendant-Appellant.

RECEIVED

AUG - 6 2018

TIMOTHY C. IDONE
COUNTY CLERK
COUNTY OF WESTCHESTER

NOTICE OF APPEAL

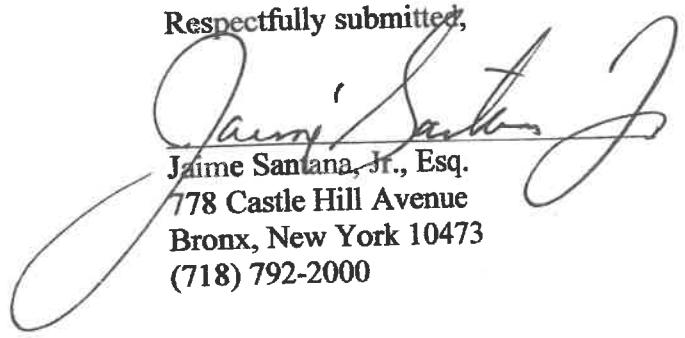
Docket No.: 06034M-2017

COUNSELORS:

PLEASE TAKE NOTICE that defendant, GIOVANNI RIVERA, hereby appeals to the Appellate Division of the Supreme Court of the State of New York, Second Judicial Department, from the attached Decision and Order dated July 10, 2018 and Sentence and Commitment Order of the County Court of the State of New York, County of Westchester (Susan M. Capeci, J.), dated July 11, 2018, and entered in the Office of the Clerk of the County of Westchester on July 26, 2018, and the plaintiff appeals from every part of said Decision and Order and Sentence and Commitment Order, as well as from the whole thereof.

Dated: Bronx, New York
August 6, 2018

Respectfully submitted,


Jaime Santana, Jr., Esq.
778 Castle Hill Avenue
Bronx, New York 10473
(718) 792-2000

TO: Anthony A. Scarpino, Esq.
District Attorney of Westchester County
111 Martin Luther King Blvd.
White Plains, New York 10601
913-995-3414

CLERK OF THE COURT
COUNTY COURT, ORANGE COUNTY
111 Martin Luther King Blvd.
White Plains, New York 10601

RECEIVED 08/06/2018 AM 10:00 AM
86-12-38 P-12-38
RECEIVED DISTRICT ATTORNEY

Print Form

**Supreme Court of the State of New York
Appellate Division : Second Judicial Department
Request For Appellate Division Intervention - Criminal Cases**

Instructions: Use a separate copy of this form for each judgment, sentence or order appealed from. Multiple convictions under different accusatory instruments, even if the judgments were rendered in the same court on the same day, require the completion of separate copies of this form. Please type or print and answer all questions.

Attach a copy of the notice of appeal. If the appeal is from an order, attach a copy. If the appeal is from a judgment or sentence, attach a copy of the commitment order or an extract of the clerk's minutes.

Case Title:	<p style="text-align: center;">The People of the State of New York, vs. GIOVANNI RIVERA Defendant</p>
-------------	--

For Appellate Division Use Only	
Case No.:	
File Opened:	

Appellate Division Status:	Place a <input checked="" type="checkbox"/> in the appropriate box to indicate the Appellate Division status of the parties.		
	Plaintiff Defendant	<input type="checkbox"/> Appellant <input checked="" type="checkbox"/> Appellant	<input type="checkbox"/> Respondent <input checked="" type="checkbox"/> Respondent
Type of Crime:	If this is an appeal from a judgment of conviction, a sentence or an order granting or denying post-conviction relief, place a <input checked="" type="checkbox"/> mark in up to five of the following boxes to indicate the type of crime or crimes of which the defendant was convicted. If the conviction was for more than five crimes, check the five most serious charges. Check the <input type="checkbox"/> to indicate that the conviction was for the substantive crime and check the <input checked="" type="checkbox"/> to indicate that the conviction was for an attempt to commit that crime. In the event that the precise crime of which the defendant was convicted does not appear on the following list, check the box comparable to the article of the Penal Law in which the substantive crime is set forth. If this is an appeal by the People from an interlocutory order, check up to five boxes to indicate the crimes of which the defendant has been charged.		
	<input checked="" type="checkbox"/> = Substantive Crime <input type="checkbox"/> = Attempt to Commit Crime		
<input type="checkbox"/> 1 Arson <input type="checkbox"/> 2 Assault & Related Offenses <input type="checkbox"/> 3 Bribery, Not Public Servant & Related Offenses <input type="checkbox"/> 4 Bribery, Public Servants & Related Offenses <input type="checkbox"/> 5 Burglary & Related Offenses <input type="checkbox"/> 6 Children & Incompetents, Offenses Affecting <input type="checkbox"/> 7 Computer Offenses <input type="checkbox"/> 8 Conspiracy <input type="checkbox"/> 9 Controlled Substances, Possession <input type="checkbox"/> 10 Controlled Substances, Sale <input type="checkbox"/> 11 Controlled Substances, Other <input type="checkbox"/> 12 Criminal Facilitation <input type="checkbox"/> 13 Criminal Mischief & Related Offenses <input type="checkbox"/> 14 Criminal Possession of Stolen Property <input type="checkbox"/> 15 Criminal Solicitation <input type="checkbox"/> 16 Enterprise Corruption <input type="checkbox"/> 17 Escape & Offenses Relating to Custody	<input type="checkbox"/> 18 False Written Statements - Offenses Involving Firearms & Dangerous Weapons, Possession <input type="checkbox"/> 19 Firearms & Dangerous Weapons, Use <input type="checkbox"/> 20 Firearms & Dangerous Weapons, Other <input type="checkbox"/> 21 Firearms & Dangerous Weapons, Other <input type="checkbox"/> 22 Forgery & Related Offenses <input type="checkbox"/> 23 Frauds on Creditors <input type="checkbox"/> 24 Frauds, Other <input type="checkbox"/> 25 Gambling Offenses <input type="checkbox"/> 26 Homicide, Abortion <input type="checkbox"/> 27 Homicide, Criminally Negligent <input type="checkbox"/> 28 Homicide, Manslaughter <input type="checkbox"/> 29 Homicide, Murder <input type="checkbox"/> 30 Homicide, Vehicular Manslaughter <input type="checkbox"/> 31 Insurance Fraud <input type="checkbox"/> 32 Kidnapping, Coercion & Related Offenses <input type="checkbox"/> 33 Larceny <input type="checkbox"/> 34 Marijuana Offenses	<input type="checkbox"/> 35 Marital Relationship, Offenses Affecting Motor Vehicle, Operating Under Influence <input type="checkbox"/> 36 Motor Vehicle, Other <input type="checkbox"/> 37 Obscenity & Related Offenses <input type="checkbox"/> 38 Offenses Relating to Judicial & Other Proceedings <input type="checkbox"/> 39 Official Misconduct, Obstruction of Public Servants <input type="checkbox"/> 40 Perjury & Related Offenses <input type="checkbox"/> 41 Privacy, Offenses Against <input type="checkbox"/> 42 Prostitution Offenses <input type="checkbox"/> 43 Public Order, Offenses Against Public Sensibilities, Offenses Against <input type="checkbox"/> 44 Robbery <input type="checkbox"/> 45 Sex Offenses, Rape <input type="checkbox"/> 46 Sex Offenses, Sexual Abuse <input type="checkbox"/> 47 Sex Offenses, Sodomy <input type="checkbox"/> 48 Theft Offenses, Other <input type="checkbox"/> 49 Other	
Original Court Information (Use another Form D for additional appeals):			
Appeal From (Check one only):	<input type="checkbox"/> Judgment	<input type="checkbox"/> Order	<input checked="" type="checkbox"/> Sentence
<input checked="" type="checkbox"/> Remanded Order	<input type="checkbox"/> Decision	<input type="checkbox"/> Other (specify):	
Dated or Rendered:	July 11, 2018		
Court:	Indictment or Superior Court Information No.: 6034M-2017		
Stage:	County: Westchester		
Conviction:	Judge (name in full): Susan M. Capeci		
Codefendants: Were there any codefendants under this accusatory instrument?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Names of codefendants convicted under this accusatory instrument:			
Defendant Information (Please supply any available information):	NYSRS No.:		
Prisoner Identification No.:	FBI No.:		
Address:			

App. Div. : 2nd Dept.

EXHIBIT A

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

X
THE PEOPLE OF THE STATE OF NEW YORK,

-against-

GIOVANNI RIVERA,
Defendant.

X
DECISION AND ORDER
Docket #17-6034M

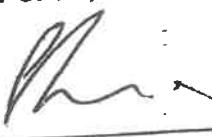
A bench trial was held on June 22, 2018, in this matter where the defendant has been charged by information with harassment in the second degree pursuant to P.L. 240.26 (1).

A person is guilty of harassment in the second degree when, with intent to harass, annoy or alarm another person "1. He or she strikes, shoves, kicks or otherwise subjects such other person to physical contact, or attempts or threatens to do the same."

Based upon the credible evidence, the Court finds that defendant's violation of the above statute was established beyond a reasonable doubt. The Court therefore finds the defendant guilty on the charge of harassment in the second degree.

This constitutes the Decision and Order of this Court.

Dated: July 10, 2018
White Plains, New York


HON. SUSAN M. CAPECI
A.J.S.C.

FILED
AND
ENTERED
ON 7-10-2018
WESTCHESTER
COUNTY CLERK

To: Hon. Anthony A. Scarpino, Jr.
District Attorney, Westchester County
111 Dr. Martin Luther King Jr. Blvd.
White Plains, New York 10601

Jaime Santana, Jr., Esq.
Attorney for Defendant
1200 Waters Place, Suite 105
Bronx, New York 10461

EXHIBIT B

UCS-834(8/2011)

STATE OF NEW YORK
COUNTY COURT, COUNTY OF WESTCHESTER
PRESENT: HON CAPECLS.

Court Part: DV-AM
Court Reporter: C. KUCZINSKI
Superior Ct. Case #: 06034M-2017

UNIFORM SENTENCE & COMMITMENT

The People of the State of New York			
-vs-			
GIOVANNI RIVERA			
Defendant			
Male	04/26/1981	12189188J	68023418L
Sex	DOB	NYSID #:	Criminal Justice Tracking #:

Accusatory Instrument Charge(s) Count # Law/Section & Subdivision

1 HARASS2 1 PL 240.26(01)

2 _____

3 _____

4 _____

Date(s) of Offense: 01/26/2017 To _____

THE ABOVE NAMED DEFENDANT HAVING BEEN CONVICTED BY [PLEA OR VERDICT], THE MOST SERIOUS OFFENSE BEING A [FELONY OR MISDEMEANOR OR VIOLATION], IS HEREBY SENTENCED TO:

Crime	Count #	Law/Section & Subdivision	SMF/Hate or Terror	Minimum Period	Maximum Term	Definite / Determinate **	Post-Release Supervision	CJTN
1 HARASS2	1	PL 240.26(01)						68023418L
2								
3								
4								
5								

** NOTE: For each DETERMINATE SENTENCE imposed, a corresponding period of POST-RELEASE SUPERVISION MUST be indicated [PL § 70.45].

Counts _____ shall run CONCURRENTLY with each other Count(s) _____ shall run CONSECUTIVELY to count(s) _____
 Sentence imposed herein shall run CONCURRENTLY with _____ and/or CONSECUTIVELY to _____
 Sentence imposed herein shall include CONSECUTIVE _____ term of [PROBATION OR CONDITIONAL DISCHARGE] with an Ignition Interlock Device condition, that shall commence upon the defendant's release from imprisonment [PL § 60.21]
 Conviction includes: WEAPON TYPE: _____ and/or DRUG TYPE: _____
 Charged as a JUVENILE OFFENDER- age at time crime committed: _____ years Court certified the Defendant a SEX OFFENDER [Cor. L § 168-d]
 Adjudicated a YOUTHFUL OFFENDER [CPL § 720.20] CASAT ordered [PL § 60.04(6)]
 Execute as a sentence of PAROLE SUPERVISION [CPL § 410.91] SHOCK INCARCERATION ordered [PL § 60.04(7)]
 Re-sentenced as a PROBATION VIOLATOR [CPL § 410.70]

<input type="checkbox"/> As a: <input type="checkbox"/> Second <input type="checkbox"/> Second Violent <input type="checkbox"/> Second Drug <input type="checkbox"/> Second Drug w/prior VFO <input type="checkbox"/> Predicate Sex Offender <input type="checkbox"/> Predicate Sex Offender w/prior VFO <input type="checkbox"/> Second Child Sexual Assault <input type="checkbox"/> Persistent <input type="checkbox"/> Persistent Violent	FELONY OFFENDER
<input type="checkbox"/> Mandatory Surcharge \$95.00	<input type="checkbox"/> Crime Victim Assistance Fee \$25.00
<input type="checkbox"/> Fine \$ _____	<input type="checkbox"/> Restitution \$ _____
<input type="checkbox"/> DNA Fee \$ _____	<input type="checkbox"/> Sex Offender Registration Fee \$ _____
<input type="checkbox"/> DWI/Other \$ _____	<input type="checkbox"/> Supplemental Sex Off. Victim Fee \$ _____

THE SAID DEFENDANT BE AND HEREBY IS COMMITTED TO THE CUSTODY OF THE

 NYS Department of Correctional Services (NYDOCS) until released in accordance with the law, and being a person sixteen (16) years or older not presently in the custody of the NYSDOCS, (New York City Department of Corrections) is directed to deliver the defendant to the custody of NYSDOCS as provided in 7 NYCR Part 103. NYS Department of Correctional Services (NYDOCS) until released in accordance with the law, and being a person sixteen (16) years or older presently in the custody of NYSDOCS, defendant shall remain in the custody of the NYSDOCS. NYS Office of Children and Family Services in accordance with the law, being a person less than sixteen (16) years of age at the time the crime was committed. County Jail/Correctional FacilityTO BE HELD UNTIL THE JUDGMENT OF THIS COURT IS SATISFIED.
REMARKS:1 YEAR CONDITIONAL DISCHARGE
ORDER OF PROTECTION (EXP 7-11-2020)

FILED

JUL 26 2010

TIMOTHY C. IDONE

COUNTY CLERK

COUNTY OF WESTCHESTER

Commitment, Order of
Protection & Pre-Sentence
Report received by Correctional
Authority as indicated:

Official Name _____

Shield No. _____

Pre-Sentence Investigation Report Attached:

 Yes No

Order of Protection Issued:

 Yes No

Order of Protection Attached:

07/09/2018 A. ROBINSON

Date

Clerk of the

SENIOR COURT CLERK

Title

STATE OF NEW YORK, COUNTY OF WESTCHESTER
by:
TIMOTHY C. IDONE, COUNTY CLERK AND CLERK OF THE SUPERIOR AND COUNTY COURTS, WESTCHESTER COUNTY
WESTCHESTER COUNTY DO HEREBY CERTIFY THAT I HAVE CONFIRMED THIS COPY WITH THE ORIGINAL
THEREOF FILED IN MY OFFICE ON 07/26/2010 AND THAT THE SAME IS A CORRECT
TRANSCRIPT THEREFROM AND OF THE WHOLE OF SUCH ORIGINAL.
IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AFFIRMED MY OFFICIAL SEAL.

67 26/2010 T. C. IDONE
Clerk of the Superior and County Courts, Westchester County
FEE PAID



Docket No. 23966/2016E

AFFIDAVIT OF SERVICE

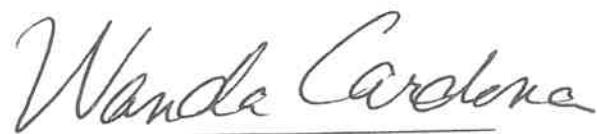
STATE OF NEW YORK)
: ss:
COUNTY OF BRONX)

I, WANDA CARDONA being duly sworn deposes and says:

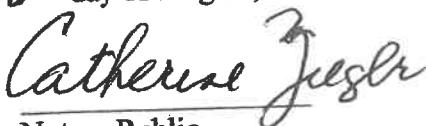
1. I am not a party to the action, am over 18 years of age and reside in Bronx, New York.
2. On August 6, 2018 I served the within NOTICE OF APPEAL by first class mail by depositing a true copy thereof enclosed in a post-paid wrapper, in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State, addressed to each of the following persons at the last known address set forth after each name:

ANTHONY SCARPIANO, ESQ.
District Attorney of Westchester County
111 Martin Luther King Blvd.
White Plains, New York 10601

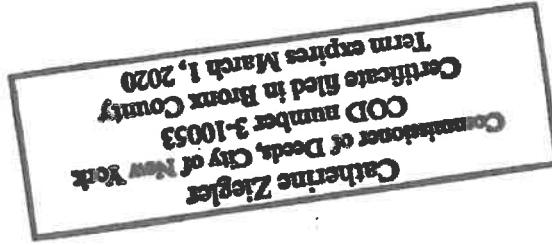
CLERK OF THE COURT
COUNTY COURT, WESTCHESTER COUNTY
111 Martin Luther King Blvd.
White Plains, NY 10604


WANDA CARDONA

Sworn to before me this
6 day of August, 2018


Catherine Ziegler

Notary Public



Docket No. 06034M-2017
SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

THE PEOPLE OF THE STATE OF NEW YORK

against-

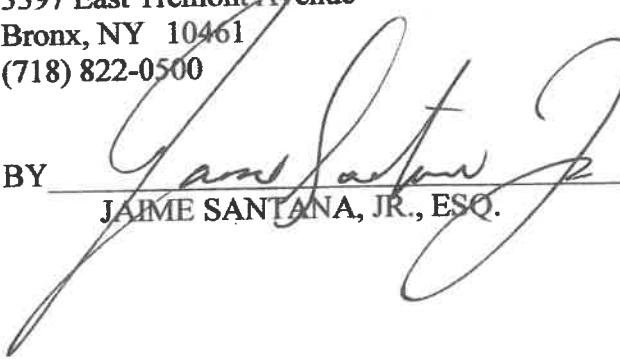
GIOVANNI RIVERA,

Defendant-Appellant

NOTICE OF APPEAL

JAIME SANTANA, JR., ESQ.
Attorneys for Defendant-Appellant
3397 East Tremont Avenue
Bronx, NY 10461
(718) 822-0500

BY


JAIME SANTANA, JR., ESQ.